



Brisbane Central Business District Bicycle User Group

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The Honourable Scott Emerson MP
Minister for Transport and Main Roads
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Dear Minister

This letter is in response to the recommendations made in the Cycling Issues Inquiry report, "A New Direction for Cycling in Queensland" produced by the Transport, Housing and Local Government Committee in November 2013. The report is approximately 200 pages long, containing 68 recommendations, and it has taken some time for the Brisbane Central Business District Bicycle User Group (CBD BUG) to formulate a response. The large size of this report and the scope of its recommendations clearly indicate the considerable way Queensland still has to go before cycling is enabled as a mode of transport so the broader community perceives it as a safe and convenient alternative to the private motor vehicle.

The CBD BUG is a grass roots volunteer organisation of more than 700 members, representing the interests of the very large number of Brisbane residents who ride bicycles to, from and within the Brisbane CBD. CBD BUG actively seeks policy decisions at all levels of government that support cycling. In particular, CBD BUG seeks improved infrastructure, end-of-trip facilities, integration of cycling with other transport modes and a cyclist-friendly regulatory environment.

The report's 68 recommendations are broken down into several sections: Implementation (1), Cycling Statistics (2-5), Queensland Road Rules (QRR) Review (6-29), Vulnerable Road User protection (30), Review of penalties and sanctions (31-33), Bicycle registration (34), Cycling infrastructure and facilities (35-55), and Education and awareness (56-68).

Overall the CBD BUG is very pleased with the Committee's report. We view the overwhelming majority of the recommendations as well considered, and suggest they point to the need for urgent state government action to give a much greater proportion of the community a choice to ride a bike for transport instead of always driving. The recommendations have been based on the extensive work of a group of eight researchers for the Committee, assisted by the submissions of more than 100 groups and individuals and public hearings in four Queensland cities. We hope you do not allow these recommendations to be bogged down by the departmental intransigence Queensland cyclists have previously experienced in response to calls for change, or by political considerations during the review process.

The report's recommendations covered all the main points mentioned in group and individual submissions. Recommendations to improve the measurements of bicycle usage, and the road rule reviews on passing distances, helmet law exemptions, rolling stops, left turns on red, zebra crossings, and roundabout rules are all welcome changes. We look forward to you laying to rest via a clear public statement the commonly held mythologies about the need for bicycle registration and cyclist licensing, along with the equally incorrect but widely held notion that motorists pay for the roads.

Advocacy

Advice

Action

We were very pleased to see the recommendation for a minimum distance passing law requiring motorists to give one metre clearance to cyclists in areas with speed limits up to 60 km/h and 1.5 metres in higher speed limit areas. The CBD BUG, together with the Amy Gillett Foundation, Safe Cycling Australia, and other bike rider advocacy groups, strongly supports the two-year trial of this law. This should build awareness in the community of what a safe passing distance is and hopefully reduce the number of "close shaves" cyclists commonly experience when riding on roads.

The CBD BUG would also strongly advocate for the implementation of the measures arising from recommendations concerning exemptions from the current cyclist mandatory helmet law (MHL). Your comments in the media after the report's release that you are not yet convinced of the need to change Queensland's MHL have been noted with concern (e.g. <http://www.abc.net.au/news/2013-11-29/mind-the-gap-queensland-cyclists-could-be-dobbing/5126458>). Apart from the CBD BUG's objection to this reversal of the onus of proof, CBD BUG members would like to know what further information would convince you that there is a need for a change to the MHL?

Recommendations based on improving infrastructure to reduce bicycle / vehicle conflicts are also very welcome. Specific recommendations focus on improving roundabout design, consistency of cycle network markings and the placement of bike lanes outside the "door zone" where cyclists are vulnerable to drivers suddenly opening car doors.

Finally the education and awareness campaigns about the QRR will be essential changes when the other recommendations are implemented. We anticipate the speedy implementation of the recommendations that will help all road users understand the legitimate place of people riding bicycles on Queensland's roads and changes which are being made for the safety of all road users.

We support the report as a whole. With respect to the interpretation of specific recommendations, discussion at our public meetings has focused on the following areas of concern.

Recommendation 25. This recommends that bike lanes be clearways from 6-9 am and 3-7 pm on weekdays. We note that the report states (page 62):

"However, unlike NSW, SA, WA, the NT, the ACT, and Tasmania, Queensland Road Rule 187 does not restrict stopping of motor vehicles in bicycle lane (sic) unless prohibited by signs or road markings."

We would propose this change should go further than this recommendation, and call for the QRR to be made consistent with all other states in this respect with bicycle lanes to be clearways at all times.

Recommendation 27. The recommendation concerning a requirement for people riding bikes who are overtaking pedestrians or other cyclists to give an audible warning is opposed. The CBD BUG has for some time advocated for people riding bikes to adopt this approach as a courtesy to others. However, for safety reasons it is more important that bike riders give people they overtake a safe amount of space, in a similar fashion to that sought for motorists when overtaking people riding bikes on-road. Further to this, the introduction of a rule mandating such a warning is opposed for the following reasons.

- The imposition of this rule would highlight the different approaches by government towards motorists and people riding bikes with respect to education versus regulation. It has been noted that recent statements by you on the illegal use of mobile phones by motorists indicate you favour using education rather than increasing penalties (<http://statements.qld.gov.au/Statement/2013/12/23/campaign-targets-distracted-drivers>).

- The current Queensland Government has made its position clear about its intention to reduce red tape, an approach in stark contrast to this proposed new rule for cyclists.
- From a practical perspective this proposed new rule has many problems. Firstly, in instances where there is sufficient space for a bike rider to overtake others in safety by giving them a wide berth, such as when riding on-road or on a wide shared path, there would be no genuine need to give an audible warning. In not giving a warning under these circumstances this behaviour then has the potential for bike riders to be perceived as 'lawless' - resulting in increased community antipathy towards people riding bikes.
- In busy pedestrian or cycling environments e.g. the Goodwill Bridge, the constant bell ringing and/or voice calling by bike riders overtaking other people that would be required under such a rule would create an unpleasant environment for all users, and in all likelihood lead to people becoming inured to such warnings.
- The voice warnings within and between groups of people riding bikes along popular cyclist training routes in Brisbane has already led to complaints from local residents and proposals that signs be erected asking cyclists to be quiet.
- Finally, this rule would be extremely difficult, if not impossible, to enforce on any consistent basis. This is not just because of the almost total absence of police on bike/shared paths, but also because of the difficulties in interpreting the observance of this rule. Anecdotal evidence already indicates pedestrians and other bike riders will respond to all manner of noises being caused by overtaking bike riders that could meet the definition of an "audible warning", such as brake squeals and the ratchet noises caused by bicycle wheels.

Recommendation 28. This proposes bicycle light usage is compulsory at all times, including during the daytime - "Daytime Running Lights" (DRL). The CBD BUG has a number of serious reservations about this recommendation. Firstly, once again the onus to reduce crashes is being placed on people who ride bikes, rather than on the people who create the risk – being the people driving potentially lethal motor vehicles.

This recommendation also appears to overlook a finding from a recent large-scale CARRS-Q study of Queensland road crash data that found motorists are largely at fault in crashes involving adult cyclists – with the principal cause of such crashes being motorists making illegal driving manoeuvres, rather than their failure to see a cyclist. The mandating of additional equipment for cyclists will also serve as another barrier for people who want to ride bikes. This is the opposite of the approach that should be taken by a government that espouses a desire to increase cycling levels.

At another level, concern arises from this recommendation being based on only one peer-reviewed research study (Madsen et al, 2013) conducted in Denmark during 2004 and 2005. The CBD BUG suggests that this research has a number of questions hanging over it, not the least of which is that this study was conducted with the support of a bicycle light manufacturer. The obvious question must be if this research is well founded - why is DRL for bicycles not mandated in Denmark when DRL for motor vehicles has been law there since 1990?

The CBD BUG would like to point out that a light designed to be "Clearly visible for at least 200 metres" during daylight would have to be exceedingly bright. Such lights could then easily be dangerous on narrow bike and shared paths at night due to the intensity of the light emitted blinding oncoming cyclists and pedestrians. The issue of high powered bicycle lights blinding oncoming bicycle riders is already commonly discussed among riders, a situation that would be exacerbated by the high powered lights meeting the DRL requirement.

Should the Queensland Government implement such a retrograde initiative that will only serve to further discourage people riding bikes, the CBD BUG suggests that it initially be trialed for a fixed period in a similar fashion to the recommended trial of the mandatory cyclist helmet law relaxation and that such a trial occur under the supervision of a suitable research project leader from a Queensland university. Furthermore, a DRL rule should only apply to people riding bikes on the road.

The current maximum penalty in QRR Section 259, entitled "Riding at night" is 20 penalty units i.e. \$2,200. The quantum of this fine, if imposed on cyclists for not having lights on during the day, would be totally disproportionate to the "offence" i.e. assisting motorists to see the cyclist. Implementing a DRL rule is also likely to result in even more victim-blaming or an opportunity for more motorists to claim SMIDSY ("sorry mate I didn't see you") in the event of a crash. It could also result in motorists, in the event of a collision, claiming contributory negligence on the cyclists' part for not using lights during the day.

Recent police enforcement of Section 258 of the QRR, which requires cyclists to have "a bell, horn or similar warning device in working order", has served only to erode the standing of the police with the cycling community. For example, on a number of occasions police have conducted enforcement operations on bike riders descending Mount Coot-tha where they have stopped multiple cyclists and issued \$44 fines for not having a bell fitted. As the effect on safe cycling in this instance is zero this enforcement is regarded theatre policing rather than being linked to real safety. The negative consequences for the community and individuals arising from similar police enforcement action that would cause multiple \$2,200 fines being given to people riding bikes without DRLs must be considered as part of the implementation issues for Recommendation 28.

We have concerns that there may also be unforeseen effects if this recommendation becomes law with a 20 penalty unit fine.

Having said all that, the CBD BUG would support this recommendation if every other recommendation goes through and there is a nil, or at most a nominal (\$44) fine as currently applies for not having a bell fitted under QRR Section 258, associated with failure to comply with a DRL rule.

Recommendation 31. Equalisation of penalties - this recommendation calls for a review "with a view to increasing infringement penalty units for cyclists to equal those for motorists where the potential to endanger other road users is greatest." The CBD BUG notes that generally bicycle users do not have the same potential to endanger other road users as motor vehicles, and are actually the vulnerable road users who are at risk from the poor decision making and/or illegal driving behaviours of motorists.

Thus, it is our view that any changes to penalties must be carefully considered with this in mind. The "elephant in the room" is the vastly greater capacity of motor vehicles to cause injury and death to vulnerable road users, and any fine should be in proportion to the danger the offence creates. It is not clear to us that this would always result in increasing fines and this recommendation seems to be something of a "quid pro quo" for the other positive recommendations.

Finally, we also support Recommendations 37 and 38 on infrastructure standards.

We look forward to your considered response to the report and hope for a wholesale implementation of the recommendations.

Yours faithfully



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Brisbane CBD BUG
17 January 2014

Cc: QBUGS